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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT

OF PENNSYLVANIA

96-cr-539

DARRYL E. COLEMAN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent(s).

Case No. 14 2714

MOTION PURSUANT TO 28 U.S.C.2255 OR ALTERNATIVELY WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C.2241(c)(3) OR ALTERNATIVELY THE ALL WRITS ACT PURSUANT TO 28 U.S.C.1651(a)

COMES NOW, DARRYL E. COLEMAN, Petitioner in the above entitled caption motion 2255 or alternatively writ of Habeas Corpus pursuant to 28 U.S.C. 2241 (c)(3); or alternatively the All Writs Act pursuant to 1651 (a) challenging his confinement by alleging legal innocence of the mandatory life sentence imposed under the mandatory guidelines in violation of 841(b)(1)(a), and requesting immediate release from custody or alternatively an evidentiary hearing on the motion. For reasons stated herein this motion should not be deemed a second or successive petition or procedurally barred by the one year period of limitations because it presents a claim of legal innocence that does not abuse the Writ of Habeas Corpus; if the court holds otherwise it would introduce the Strict Rules of Res Judicata into the Habeas context and deprive Petitioner the Constitutional Right to the privilege of the Writ of Habeas Corpus in violation of the suspension clause.

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Motion pursuant to 28 U.S.C. 2255 or Alternatively Writ of Habeas Corpus pursuant to U.S.C. 2241 (c)(3)................................ or Alternatively the All Writs Act pursuant to 28 U.S.C. 1651 (a)

I. Statement of Case..

Argument...

A. The abuse of the Writ doctrine. In McClesskey v. Zant, 499 U.S. (1991) dictates that Petitioner's motion can not be deemed a second or successive petition or procedurally barred by the one-year period of limitations because Petitioner's motion presents a claim of legal innocence that does not abuse the Writ of Habeas Corpus; to conclude otherwise would introduce the strict Rules of Res Judicata into the Habeas Corpus context; conflict with the ADEPA and cause an unconstitutional suspension of the Writ of Habeas Corpus pursuant to U.S. Constitution Article 1; section 9; clause 2....................

B. The newly presented Evidence demonstrate Petitioner is legally innocent under Schlup v. Delo, 513 U.S. 298 (1995); of the 841 (b)(1) (a) this crime which was imposed solely on the conduct proscribed by 3553 (b)(1); now exceeds the offense of conviction reflected in Jury's Verdict of guilt under the Criminal Codes 20 year statutory Maximum of 841 (b)(1)(c), under those circumstances the life sentence should be corrected.

(Subject Matter Jurisdiction)

This court has subject matter jurisdiction to hear Petitioner's petition under the Common Law Writs Act, " to avoid an unconstitutional suspension of the Writ of Habeas Corpus pursuant to the U.S. Constitution Art. 1, §9, cl. 2; and to avoid and Eighth Amendment violation against Cruel and Unusual punishment."

Pennsylvania Bureau of Correction v. U.S. Marshals Service, 474 U.S. 34. 43, 106 S.Ct. 355, 88 L.Ed.2d 189 (1985)(The All Writs Act empowers federal courts to fashion extraordinary remedies when the need arises); 28 U.S.C. §1651 (a) (The Supreme Court remedies courts and all the Courts established by the Act of Congress may issue all Writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and Principles of law).

At the outset, this is not a case disputing the evolving effect or misapplication of the enhancements under the sentencing guideline manual. The Petitioner asserts this court should have exercise of its Habeas Corpus discretion to overturn his life sentence for his offense of conviction of conspiracy to distribute cocaine in violation of 841 (a)(1); in light of the Supreme Court's remedial holding that ruled U.S.C. 3553 (b)(1) unconstitutional; this action had an unintended substantive effect of modifying the maximum punishment imposed at sentencing. This claim does not assert a challenge to the propriety of " judicial fact-finding " at sentencing under the mandatory guideline system. But it does allege error in calculating the appropriate statutory maximum under the Criminal code in light of the severance and excision of 3553 (b)(1). The Petitioner now asserts he is legally innocent of the life sentence imposed for the separate and distinct crime of conspiracy to distribute " 5 Kilograms or more of cocaine " under 21 U.S.C. 841 (b)(1)(a)(ii). This crime which was imposed solely on the conduct proscribed by 3553 (b)(1); now exceeds the offense of conviction reflected in the jury's verdict of guilt under the Criminal code's 20 year statutory maximum of 841 (b)(1)(c). Under those circumstances the life sentence should be corrected. It would be a fundamental miscarriage of justice and a serious constitutional violation to let this sentence stand for a crime which was never formally charged or proved by the government.

ACTUAL INNOCENCE MEANS FACTUAL INNOCENCE, NOT MERE LEGAL INSUFFICIENCY

Bousely v. United States, 523 U.S. 614, 623 (1998).

(ILLEGAL SENTENCE 2255)

A Petitioner is entitled to Habeas relief §2255 if his sentence was imposed in violation of the Constitution or laws of the United States (Almonacid v. United States, 476 F.3d, 518, 512 (7th Cir. 2007); A Petitioner is not entitled to Habeas relief unless there is an error of law that is jurisdictional, constitutional or results in a complete miscarriage of justice Harris v. United States, 366 F.3d 593, 594.

ARGUMENT

A. THE ABUSE OF THE WRIT DOCTRINE IN McCleskey v. Zant, 499 U.S. 467 (1991), dictates that Petitioner's motion cannot be deemed a second or successive petition or procedurally barred by the one-year period of limitations because Petitioner's motion presents a claim of Legal

Innocence that does not abuse the Writ of Habeas Corpus; To Conclude otherwise would introduce the Strict Rules of Res Judicata into the Habeas Corpus Context, conflict with the AEDPA and cause an unconstitutional suspension of the Writ of Habeas Corpus pursuant to U.S. Constitution Article 1, section 9, clause 2.

Under the Antiterrorism and Efeective Death Penalty Act ("AEDPA") of 1996 amemdments to the Habeas corpus statutes, an inmate challenging his confinement in federal custody under 28 U.S.C. §2255 is subject to specific statutory requirements. First, under §2244 (b), a prospective Habeas applicant must obtain authorization from a court of appeals before filing a " second or successive " motion in the district court. Felker v. Turpin, 518 U.S. 651, 657, 116 S.Ct. 2333, 135 L.Ed.2d 827 (1996); 28 U.S.C. §2255 (as amended). However, if a §2255 motion is not second or successive, then the substantive requirements of §2244 (b) do not come into play. Hill v. Alaska, 297 F.3d 895 at 898-99 (9th Cir. 2002); Stewart v. Martinez-Villareal, 523 U.S. 637, 118 S.Ct. 1618, 1621-22, 140 L.Ed.2d 849 (1998)(The Supreme Court rejected the plain meaning of the phrase " second or successive, " holding that a petition or motion is not second or successive within the meaning of the AEDPA merely because it is numerically a second (or third etc.) petition or motion. Second, the AEDPA also amended §2255 to require a one-year period of limitations. 28 U.S.C. 2255 (as amended). The limitation periods is not a jurisdictional bar but is similar to the procedural default doctrine which bars habeas review of constitutional claims that a movant has failed to present at procedurally required opportunities. United States v. Zuno-Arce, 25 F.Supp.2d 1087 at 1099-1100 (C.D. Cal. Aug. 25, 1998).

At root, Congress carefully crafted these narrow amendments imposed by the AEDPA to curb abuses of the Writ. See H.R. Conf. Rep. No. 104-518, at 111 (1996), reprinted in 1996 U.S.C.C.A.N. 924, 944 (in formulating the AEDPA amendements, Congress intended "to curb the abuse of the statutory writ of habeas corpus"). In doing so, the AEDPA statutorily codified the abuse of the writ doctrine. Felker, 518 U.S. at 663-64; Calderon v. U.S. Dist. Ct., 163 F.3d 530, 538 (9th Cir. 1998). Reconizing this codification, the Supreme Court, the Ninth Circuit court of Appeals and other court of Appeals employ the abuse of the writ doctrine in McCleskey v. Zant, 499 U.S. 467 (1991), to interpret the term "second or successive."2/ Martinez-Villareal, 523 U.S. at 643-45 (To interpret the term "second or successive," the courts look to the pre-AEDPA abuse of the writ doctrine.); Slack v. McDaniel, 529 U.S. 473, 486-87, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2002)(noting that pre-AEDPA law, including the abuse of the writ doctrine should be used in interpreting the meaning of the term of art second or successive in the AEDPA); Hill, 297 F.3d at 897-98; Muniz v. United States, 236 F.3d 122 at 127 (2d Cir. 2001) (per curiam)("we...answer the question of whether a petition is second or successive with reference to the equitable principles underlying the abuse of the writ doctrine."); Benchoff v. Colleran, 404 F.3d 812, 817 (3d Cir. 2005)(the abuse of the writ doctrine retains vitality as a tool for interpreting the term second or successive); In re Cabey, 429 F.3d 94 (4th Cir. 2005); Crouch v. Norris, 251 F.3d 720, 723 (8th Cir. 2001).

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2. The AEDPA does not define what constitutes a second or successive motion. Hill, 297 F.3d at 897.

Likewise, the abuse of the writ doctrine in McCleskey also establishes the standard or directions that should be applied to the AEDPA's one-year period of limitations. Lonchar v. Thomas, 517 U.S. 314, 322-24, 134 L.Ed.2d 440, 116 S.Ct. 1293 (1996)(And it is why this court, in McCleskey, also reaffirmed the importance, "'in order to preclude individualized enforcement of the constitution in different parts of the nation,'" of "' lay[ing] down as specifically as the nature of the problem permits the standards or directions that should govern the district judges in the disposition of applications for habeas corpus...).

Informed by the teachings of the Supreme Court and its progenies, therefore, we are authorized to look to the principles of the abuse of the writ doctrine in defining second or successive and applying the one-year period of limitations. The abuse of the writ doctrine dictates that the merits of a habeas corpus petition is not barred from consideration as an abuse of the writ, inter alia, where the subsequent petition demonstrates a colorable claim of actual innocence. McCleskey, 499 U.S. at 494-95 (The petitioner can satisfy the burden of disproving abuse of the writ either by making an adequate showing of cause and prejudice or by showing actual innocence.). By the same logic, Petitioner's current motion can not be time-barred by a strict one-year period of limitations or deemed to be a second or successive petition and barred from consideration on the merits because Petitioner's motion presents a colorable claim of legal innocence that would not be dismissed as an abuse of the writ under the abuse of the writ doctrine. Some courts has echoed this same rationale. Calderon v. Thompson, 523 U.S. 538, 118 S.Ct. 1489, 1502, 140 L.Ed. 728 (1998)(the "miscarriage of justice standard is altogether consistent ...with [the] AEDPA's central concern that the merits of concluded criminal proceedings not be revisited in the absence of a strong showing of actual and legal innocence." The "standard comports with the values and purposes underlying [the] ADEPA"); Davis v. Crabtree, 10 F.Supp.2d 1136, 1141 (D. Or. 1998)(addressing the type of circumstances which may proceed under habeas corpus, the court held that "any claim that seeks to avoid the ADEPA's prohibitations upon successive §2255 motion must, at a bare minimum be capable of surviving the abuse of the writ standard, i.e., either cause and prejudice or actual innocence). Nevertheless, to conclude otherwise, and foreclose review in this case with the AEDPA's limitations would not curb abuses of the writ as intended by Congress, but rather unjustifiably divert from the abuse of the writ dictrine and bar habeas corpus review altogether under the strict rules of res judicata[3], which would undoubtedly fall outside the compass of the abuse of the writ doctrine as well as run afoul of the AEDPA's provision itself. McCleskey, 499 U.S. at 480, 482 (("we rejected res judicata in a strict sense as a basis for dismissing a later habeas action"); Calderon, 163 F.3d at 538 (AEDPA includes specific provisions to govern successive habeas petitions, see 28 U.S.C § 2244(b), and res judicata would render those provisions largely superfluous. We conclude that even after the ADEPA, the rule is as it has always been: res judicata does not apply to habeas cases."); Muniz, 236 F.3d at 127 "importing the doctrine of res judicata into habeas context would conflict with the statutory scheme created by ADEPA itself.").

The upshot in toto would be as the Supreme Court instructed in Felker and Lonchar: if the limitations of the AEDPA fell outside the

3. " A prisoner barred by res judicata would seem as a consequence to have an inadequate or ineffective remedy under §2255 and thus be entitled to proceed in a federal habeas corpus ..." Sanders v. United States, 373 U.S. 1 at 15, 83 S.Ct. 1068. 10 L.Ed.2d 148 (1963).

compass of the abuse of the writ doctrine it would constitute an unconstitutional suspension of the writ of habeas corpus. Felker, 116 S.Ct. at 2340 (the court instructed that as long as the limits on second petitions fell "well within the compass of the abuse of the writ doctrine no suspension in violation of article 1 has occurred"); Lonchar, 317 U.S. at 322-24 (A petition can not be dismissed for special ad hoc equitable reasons not encompassed within the framework of federal habeas corpus rules and settled judicial precedents, because it denies petitioner the protections of the Great Writ entirely, risking injury to an important interest in human liberty). In a well reasoned and thorough opinion, judge Sotomayor uniformly agreed with the conclusion of the Supreme Court acknowledging the " Felker strongly suggests that any procedural bars created by the Supreme Court in the evolution of its habeas jurisprudence are per-se not suspensions of the writ." Rodriguez v. Artuz, 990 F. Supp. 275 at 282 (S.D.N.Y. Jan. 13, 1998).

A similar involving availability of collateral review came before the Supreme Court in Ins v. St. Cyr., 53 U.S. 289, 121 S.Ct. 2271, 150 L.Ed.2d 347 (2001). In that case, the Supreme Court provided valuable guidance on how courts should proceed under the circumstances similar to the instant case. The Supreme Court warned district judges that where a court would be required to " answer the difficult question of what the Suspension Clause protects there is reason to avoid restrictive construction of ADEPA, especially where there is no clear intent from Congress that it intended restrictive interpretation." Id. at 150 L.Ed.2d at 301, 314.

Therefore, consistent with Supreme Court's precedents and the overwhelming weight of authority it is constitutionally incumbent upon the court to not laterally interpret the second or successive provision to encompass Petitioner's motion or time-bar Petitioner's motion with a strict one-year period of limitations, so that the merits of Petitioner's Legal innocence claim is given judicial review under habeas corpus in obviation of potentially disastrous procedural bars inevitably equating to an unconstitutional application of the strict rules of res judicata in to habeas corpus and thereby fending off an assault against the abuse of the writ doctrine, the AEDPA, and the U.S. Constitution art. 1, § 9, cl. 2.

Standard of Review

To establish a claim of factual and Legal innocence under Schlup v. Delo, 513 U.S. 298, 130 L.Ed.2d 808, 115 S. Ct. 851 (1995); the Petitioner must demonstrate that a constitutional violation has probably resulted in the conviction of one who is actually innocent. Id. at 323-27, 115 S.Ct. at 865-67, to be credible, a claim of factual and Legal innocence require Petitioner to support his allegations of constitutional error with new relaible evidence... that was not presented at trial or sentencing. Id. at 324, 115 S.Ct. at 864. A petitioner will not meet the threshold requirement unless he persuades the district court that in light of the evidence it is more likely than not, no reasonable juror would have convicted him for conduct that was not illegal at sentencing. Bousley v. United States, 523 U.S. 614, 620, 118 S.Ct. 1604, 1611, 140 L.Ed. 2d 828 (1998).

For the foregoing reason, Petitioner prays that this honorable Court vacate and reverse his sentence for 841 (b)(1)(A) to prevent a fundamental miscarriage of justice and a serious constitutional violation.

Darryl E. Coleman

Darryl E. Coleman

Date: 5/8/14

I declare under the penalty of perjury that the facts and exhibits contained in this motion are true and correct.

Darryl E. Coleman

Darryl E. Coleman
Reg. #50432-066
F.C.I. Victorville II
Post Office Box 3850
Adelanto, California
[92301]

Date: 5/8/14

STATEMENT OF THE CASE

On March 26, 1997, a grand jury indicted Mr. Coleman and seventeen other defendants of one count of conspiracy to distribute and possess with the intent to distribute a substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §841 (a)(1).

Petitioner was convicted by a jury in May 1997, of one count of conspiracy to distribute in violation of 21 U.S.C. §§846 and 841(A)(1), one count of bribery of a public official under 18 U.S.C. §201 (b)(1), one count of operating a continuing criminal enterprise under 21 U.S.C. §848 (a), 7 counts of use of a telephone to facilitate a drug felony under 21 U.S.C. §843 (b), and two counts of conspiracy to launder money under 18 U.S.C §1956 (h).

On September 12, 1997, Mr. Coleman was sentenced to life in prison on the conspiracy count, 15 years on the bribery count, 4 years for each of the telephone counts, and 20 years for both money laundering conspiracy counts. The conviction for operating a continuing criminal enterprise was dismissed at sentencing by the government to avoid double jeopardy with the conspiracy to distribute cocaine sentence.

The conviction and sentence were upheld by the U.S. Court of Appeals for the Third Circuit, see United States v. Coleman, 191 F.3d 446 (3rd Cir. 1999), unpublished opinion, and writ certiorari to the Supreme Court wasn't sought.

STATEMENT OF RELEVANT FACTS

At the age of 28 Petitioner was indicted along with seventeen others in a conspiracy to distribute cocaine in violation of §841 (a) (1). Prior to this time, the Petitioner had never been to prison nor convicted of a felony. Of the seventeen, twelve of the co-conspirators either pled guilty or received sentence reductions in exchange for testimony against Petitioner and five others went to trial.

During a two week jury trial two co-conspirators and one unindicted co-conspirator testified they brought cocaine from or worked for the Petitioner in the conspiracy. But at no point in the trial was any evidence of actual narcotics intorduced, nor was the quantity of cocaine involved established by the government. Instead, the government relied heavily on tape recorded conversations to esatblish the cocaine conspiracy. "[M]uch of the language on the tapes was in code and is virtually incomprehensible to the trained ear." See United States v. Gibbs, 190 F.3d 188, 196 (3rd Cir. 1999).

There was also no quantity of cocaine charged in the indictment. Out of the twenty seven (27) other counts in the indictment, none implicated the enhanced penalty of 21 U.S.C. §841 (b)(1)(A)(ii). "At the close of the evidence the court instructed the juror's that they need to decide the actual or exact amount of drugs for which he was responsible in order to find him guilty of conspiracy to distribute cocaine."

In June 2001, a timely pro se motion was filed under 28 U.S.C. §2255 to vacate, set aside, or correct the sentence. The Motion was denied on July 26, 2001, unpublished opinion.

On May 12, 1997, the Jury found the Petitioner guilty under one count of the indictment's charge of conspiracy to distribute "a detectable amount of cocaine." On Septtember 12, 1997, at sentencing, the district court relied upon the testimony of two witnesses to establish drug quantity. The case agent, Jesse Coleman, and Charles Wilkes, a self proclaimed contract killer who was facing the death penalty in an unrelated case.

Wilkes testified he supplied the conspracy with one hundred kilos of cocaine. The case agent testified he believed the conspiracy received over one hundred kilograms of cocaine from the summer of 1992 through April 1995, through his formula of interpreted phone conversations. The Petitioner did object at sentencing to the way drug quantity was established and attributed to him.

Nevertheless, persuaded by the testimony at sentencing the court applied the mandatory guidelines using the preponderance of the evidence standard. "[W]e found that the Petitioner was responsible for more than 150 Kilograms of cocaine and more than 1.5 Kilograms of crack cocaine.

Consequently, he was sentenced under §841 (b)(1)(A), which provides that a violation of §841 involving 5 Kilograms or more of cocaine is punishable by a term of imprisonment ranging from 10 years to life." United States v. Coleman, 191 F.3d 446 (3rd Cir. 1999) unpublished opinion.

This finding resulted in a beginning base offense level of 38. The court then found firearms were possessed in the conspiracy under §2D1.1 (b)(1), resulting in a 2-level increase in the base offense level to 40. The court further found the Petitioner was a leader of the conspiracy applying §3B1.1(a), resulting in a 4-level increase in the base offense level to 44, and that justice had been obstructed applying §3C1.1, adding 2 additional points for a base offense level of 46. With a criminal category level 2. The district court then imposed a sentence of life imprisonment under the mandatory guidelines.

In June 2001, the Petitioner challenged his life sentence under 28 U.S.C. §2255 alleging that it exceeded the statutory maximum of law in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). In ruling on his Apprendi argument the district court held, Apprendi announced a new rule which was not retroactive on collateral review in denying relief.

A. REMEDIAL INTERPRETATION OF THE SENTENCING REFORM ACT MODIFIED THE PETITIONER'S MAXIMUM PUNISHMENT REQUIRING RESENTENCING

The Supreme Court's holding in Booker is divided into two parts. In Justice Steven's majority opinion addressed the question of "whether the Sixth Amendment is violated by the imposition of an enhanced sentence under the United States Sentencing Guidlines based on the sentencing Judge's determination of a fact (other than a prior conviction) that was not found by the jury or admitted by the defendant." Booker, 543 U.S. at 245. This portion of the Booker decision was referred to as the "Sixth Amendment holdin" portion of the opinion. Id. at 268.

Yet, to avoid the United States Sentencing guidelines from being invalid or unconstitutional, the court, in a separate opinion by Justice Breyer (involving a different majority of the justices except for Justice Ginsburg who joined both Justices Stevens' and Breyers' opinion), severed and excised from the Sentencing Reform Act of 1984, 18 U.S.C. §3553(b)(1), which section makes Federal

Sentencing Guidelines mandatory. As modified, this avoided holding the Sentencing Guidelines invalid or unconstitutional and made them advisory thereby restoring a greater range of discretion to federal sentencing courts. Id. at 246. This portion of the Booker decision was referred to as the "remedial interpretation of the Sentencing Act" portion of the opinion. Id. at 246.

Unlike, Booker, The Petitioner does not raise a Six Amendment claim in this motion. Rather, he relies on the remedial portion of the opinion. In United States v. White, 405 F.3d 208 (4th Cir. 2005), that circuit addressed a Booker error that did not raise a Sixth Amendment objection. The Circuit noted: "White's sole claim under Booker is that the district court erred in sentencing him under a mandatory, rather than an advisory, guideline", 405 F.3d 216. In adjudicating White's claim the court stated: "the imposition of a sentence under the former mandatory guidelines rather than under the advisory regime outlined in Booker is error." 405 F.3d at 216-17.

Therefore, the Petitioner is distinguishable from the Sixth Amendment claim asserted by Booker. In the United States v. Hughes, 401 F.3d 540 (4th Cir. 2005) That court rejected the notion that all Booker claims are equivalent, emphasizing that sentencing under a mandatory regime is "a separate class of error... distinct from the Sixth Amendment claim that gave rise to the decision in Booker, and it is non-constitutional in nature." Hughes, 401 F.3d at 553. Since the Petitioner does not allege a Sixth Amendment violation under Booker. This motion should be adjudicated on its merits.

Conclusion

28 U.S.C. §2255 provides in part:

A prisoner in custody under sentence of a court established by act of Congress claiming the Right to be released upon the ground that the sentence imposed in violation of the constitution or laws of the United States or that the Court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by Law ; or is otherwise subject to collateral attack; may move the court which imposed the sentence, to vacate, set aside or correct the sentence.

A Petitioner is entitled to an evidentiary hearing on the motion to vacate his sentence under 28 U.S.C. §2255; unless the motions and the files and records of case conlusively show that the Prisoner is entitled to no relief; this necessitates a two-fold analysis: (1) whether the Petitioner's allegations are specificially delineating the factual basis of his claim(s); and (2) even where the allegations are specific whether the records, files, and affidavits are conclusive against the Petitioner.

However, a Federal Prisoner who wishes to challenge the validity or constitutionality of his conviction or sentence, must do so by way of motion to Vacate, Set aside, or correct sentence pursuant to 28 U.S.C. §2255, Tripati v. Henman, 843 F.2d 1160, 1162 (9th Cir. 1988).

EXHIBIT 1

SEALDC,CLOSED

United States District Court
Eastern District of Pennsylvania (Philadelphia)
CRIMINAL DOCKET FOR CASE #: 2:96-cr-00539-HB-1

Case title: USA v. COLEMAN et al

Date Filed: 10/23/1996
Date Terminated: 09/12/1997

Assigned to: HONORABLE HARVEY BARTLE, III

Appeals court case numbers: 01-3192, 01-4167, 01-4447, 02-2629, 97-1374

Defendant (1)

DARRYL E. COLEMAN
TERMINATED: 09/16/1997
also known as
T
also known as
Tubbs
also known as
D

represented by

DARRYL E. COLEMAN
REG. NO. 50432-066
USP POLLOCK
P.O. BOX 2099
POLLOCK, LA 71467
PRO SE

BRIAN J. MCMONAGLE
MCMONAGLE, PERRI & MCHUGH
30 SOUTH 15TH STREET
ONE PENN SQUARE WEST
SUITE 701
PHILADELPHIA, PA 19102-4807
215-981-0999
Fax: 215-981-0977
Email: bmcmonagle@mpmpc.com
TERMINATED: 09/16/1997
LEAD ATTORNEY
Designation: CJA Appointment

RANDOLPH M. JAMES ,
MC CALL & JAMES
633 WEST FOURTH STREET
STE. 150

WINSTON-SALEM, NC 27101

Fax:
TERMINATED: 10/31/2004
LEAD ATTORNEY
Designation: CJA Appointment

THOMAS ALVIN BELLO
2000 MARKET ST SUITE 2925
PHILADELPHIA, PA 19103
215-564-6433
Email: bellvf@aol.com
TERMINATED: 09/16/1997
LEAD ATTORNEY
Designation: CJA Appointment

Pending Counts	**Disposition**
21:846 CONSPIRACY. (1)	
21:846 CONSPIRACY TO DISTRIBUTE NARCOTICS (1s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.
18:201(b)(1) BRIBERY OF A PUBLIC OFFICIAL; 18:2 AIDING AND ABETTING. (2)	
18:201 BRIBERY OF PUBLIC OFFICIAL (2s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.
21:848(a) CONTINUING CRIMINAL ENTERPRISE. (3)	
21:843(b) USE OF A TELEPHONE TO FACILITATE A DRUG FELONY. (5-11)	
21:843 USE COMMUNICATIONS FACILITATE DRUG FELONY (5s-6s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3

	DISMISSED ON GOVERNMENT'S MOTION.
21:843 USE COMMUNICATIONS FACILITITATE DRUG FELONY (7s-8s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.
21:843 USE COMMUNICATIONS FACILITATE DRUG FELONY (9s-11s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.
18:1956(h) CONSPIRACY TO LAUNDER MONETARY INSTRUMENTS. (24)	
18:1956 MONEY LAUNDERING CONSPIRACY - AUTOS/APTS. (24s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.
18:1956(h) CONSPIRACY TO LAUNDER MONETARY INSTRUMENTS. (25)	
21:841(a)(1), 843(b), 846 and 853 CRIMINAL FORFEITURE - DRUGS. (26)	
21:853 CRIMINAL FORFEITURE (COCAINE CONSPIRACY) (26s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S

	MOTION.
21:848 and 853 CRIMINAL FORFEITURE - DRUGS. (27)	
21:853 CRIMINAL FORFEITURE (CONTINUING CRIMINAL ENTERPRISE) (27s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.
18:982 and 1956 CRIMINAL FORFEITURE. (28)	
18:1956 MONEY LAUNDERING FORFEITURE (28s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.

Highest Offense Level (Opening)

Felony

Terminated Counts	**Disposition**
21:848 CONTINUING CRIMINAL ENTERPRISE (3s)	IMPRISONMENT LIFE ON COUNT 1, 15 YEARS ON COUNT 2, 4 YEARS ON COUNT 5 THROUGH 11, 20 YEARS ON COUNT 24 TO RUN CONCURRENTLY, SUPERVISED RELEASE 5 YEARS AND SPECIAL ASSESSMENT $ 500.00. COUNT 3 DISMISSED ON GOVERNMENT'S MOTION.

Highest Offense Level (Terminated)

Felony

Complaints	**Disposition**
None	

		COLEMAN PURSUANT TO 21 U.S.C. 853, FORFEITING TO THE GOVERNMENT THE DEFENDANT INTEREST IN THE SUM OF $ 100,000.00 WITH CONDITIONS. (SIGNED BY JUDGE HARVEY BARTLE III), 9/19/97 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 09/19/1997)
09/18/1997	475	ORDER OF FORFEITURE DATED 9/18/97 AS TO TERRENCE GIBBS FORFEITING TO THE GOVERNMENT THE DEFENDANT'S INTEREST IN THE SUM OF $ 100,000.00 WITH CONDITIONS. (SIGNED BY JUDGE HARVEY BARTLE III), 9/19/97 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 09/19/1997)
09/18/1997	480	Notice of Appeal by TERRENCE GIBBS (2) count(s) 1s, 2s, 5s-6s, 7s-8s, 9s-11s, 12s-15s, 17s-20s, 24s and 25s copies to JUDGE HARVEY BARTLE III, Clerk USCA, Appeals Clerk, DENNIS P. CAGLIA, FRANK A. LABOR III and PROBATION. Cert. of Service. (lb) (Entered: 09/19/1997)
09/18/1997	481	Copy of Clerk's notice to USCA as to TERRENCE GIBBS, Re: [480-1] appeal. (lb) (Entered: 09/19/1997)
09/19/1997	482	CJA 20 as to DARRYL E. COLEMAN : Appointment of Attorney, THOMAS A. BERGSTROM, Voucher # 0637330. (Signed by JUDGE HARVEY BARTLE III). (lb) (Entered: 09/22/1997)
09/19/1997	483	ORDER DATED 9/19/97 AS TO DARRYL E. COLEMAN GRANTING [459-1] MOTION FOR THOMAS BELLO TO WITHDRAW AS ATTORNEY. (SIGNED BY JUDGE HARVEY BARTLE III), 9/22/97 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 09/22/1997)
09/24/1997	490	PRO SE MOTION BY TERRENCE GIBBS, TO DISMISS COUNSEL FOR CLAIMS OF INEFFECTIVE ASSISTANCE. (lb) (Entered: 09/24/1997)
09/24/1997	491	Copy of TPO form in appeal as to TERRENCE GIBBS [480-1] appeal. (lb) (Entered: 09/24/1997)
09/25/1997	492	Copy of TPO form in appeal as to DARRYL E. COLEMAN [465-1] appeal. (lb) (Entered: 09/25/1997)
09/25/1997	493	ORDER DATED 9/25/97 AS TO DARRYL E. COLEMAN THAT UPON CONSIDERATION OF THE COURT'S REQUEST PURSUANT TO FED. R. CRIM. P32(c)(3) TO CORRECT FACTUAL INACCURACIES IN THE PRESENTENCE REPORT IN PARAGRAPHS 55, 56 AND 57. (SIGNED BY JUDGE HARVEY BARTLE III), 9/25/97 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 09/25/1997)
10/03/1997	502	ORDER DATED 10/3/97 AS TO TERRENCE GIBBS GRANTING [490-1] MOTION TO DISMISS COUNSEL. THE COURT WILL APPOINT NEW COUNSEL FOR DEFENDANT ON APPEAL. THE COURT IS NOT AGREEING THAT DEFENDANT'S CLAIMS OF INEFFECTIVE ASSISTANCE HAVE ANY MERIT. (SIGNED BY JUDGE HARVEY BARTLE III), 10/3/97 ENTERED AND COPIES MAILED AND FAXED. (lb) Modified on 10/03/1997 (Entered: 10/03/1997)

09/17/1999	684	JUDGMENT OF USCA (certified copy) as to DARRYL E. COLEMAN, Re: [465-1] appeal AFFIRMING JUDGMENT/ORDER OF THE DISTRICT COURT OF 9/17/97 AS TO COUNTS 1s, 2s, 5s-6s, 7s-8s, 9s-11s, 24s. (lb) (Entered: 09/20/1999)
08/08/2000	729	PRO SE MOTION by TERRENCE GIBBS TO VACATE, SET ASIDE OR CORRECT SENTENCE PURSUANT TO 28 USC 2255 , MEMORANDUM, CERT. OF SERVICE. (Civil Action # 00-3989) (cmc) (Entered: 08/08/2000)
08/14/2000	735	PRO SE MOTION BY DARRYL E. COLEMAN FOR CLARIFICATION AS TO DEADLINE UNDER AEDPA FOR FILING MOTION UNDER 28 U.S.C. 2255 AND/OR MOTION FOR EXTENSION OF TIME IN WHICH TO FILE. CERT. OF SERVICE. (lb) (Entered: 08/14/2000)
08/15/2000	737	ORDER DATED 8/15/00 AS TO DARRYL E. COLEMAN DENYING [735-1] DEFENDANT'S PRO SE MOTION FOR CLARIFICATION AS TO DEADLINE UNDER AEDPA FOR FILING MOTION UNDER 28 U.S.C. 2255 AND/OR MOTION FOR EXTENSION OF TIME IN WHICH TO FILE. (SIGNED BY JUDGE HARVEY BARTLE III), 8/16/00 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 08/16/2000)
09/14/2000	745	Pro se Letter dated 9/11/00 by DARRYL E. COLEMAN, Re: Requesting discovery material, trial transcripts and motion for 2255 through counsel. (lb) (Entered: 09/14/2000)
11/21/2000	753	PRO SE MOTION BY DARRYL E. COLEMAN TO VACATE, SET ASIDE OR CORRECT SENTENCE PURSUANT TO 28 USC 2255. (Civil Action # 00-5940), MEMORANDUM. (lb) (Entered: 11/22/2000)
11/21/2000	754	PRO MOTION BY DARRYL E. COLEMAN TO HOLD HIS 2255 MOTION IN ABEYANCE FOR SIX MONTHS . (lb) (Entered: 11/22/2000)
12/01/2000	759	ORDER THAT IS NO WRITTEN NOTIFICATION OF WITHDRAWAL IS RECEIVED WITHIN 30 DAYS OF THE DATE OF THIS ORDER, THE COURT WILL PROCEED TO DECIDE THE PRO SE MOTION PURSUANT TO 28:2255 AS FILED as to DARRYL E. COLEMAN. (SIGNED BY JUDGE HARVEY BARTLE III), 12/4/00 ENTERED AND COPIES MAILED AND FAXED. (rs) (Entered: 12/04/2000)
12/26/2000	767	PRO SE MOTION BY DARRYL E. COLEMAN TO WITHDRAW THE PENDING 2255 PURSUANT TO THIS COURT'S ORDER , CERT. OF SERVICE. (lb) (Entered: 12/26/2000)
03/16/2001	795	PRO SE MOTION BY DARRYL E. COLEMAN FOR ENLARGEMENT OF TIME OF 45 DAYS TO FILE HIS 2255 MOTION . (lb) (Entered: 03/16/2001)
03/21/2001	797	ORDER DATED 3/21/01 AS TO DARRYL E. COLEMAN GRANTING IN PART, DENYING IN PART DEFENDANT'S EMERGENCY MOTION TO FILE HIS 2255 MOTION IN 45 DAYS. PETITIONER SHALL FILE AND SERVE ANY MOTION UNDER 28 U.S.C. 2255 ON OR BEFORE 5/1/01. (SIGNED BY JUDGE HARVEY BARTLE III), 3/22/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 03/22/2001)

04/09/2001	803	PRO SE MOTION BY DARRYL E. COLEMAN FOR ENLARGEMENT OF TIME TO FILE 28 U.S.C. 2255 MOTION , MEMORANDUM. (lb) (Entered: 04/09/2001)
04/11/2001	805	ORDER DATED 4/11/01 AS TO DARRYL E. COLEMAN DENYING [803-1] MOTION FOR ENLARGEMENT OF TIME TO FILE 28 U.S.C. 2255. THE LOCKDOWN AT U.S.P. ALLENWOOD ENDED ON 4/9/01. (SIGNED BY JUDGE HARVEY BARTLE III 4/11/01 ENTERED AND COPIES MAILED AND FAXED. (lb) Modified on 04/11/2001 (Entered: 04/11/2001)
05/02/2001	809	PRO SE MOTION BY DARRYL E. COLEMAN TO VACATE, SET ASIDE OR CORRECT SENTENCE PURSUANT TO 28 USC 2255. (Civil Action # 00-5940) (lb) (Entered: 05/02/2001)
05/02/2001	810	PRO SE MOTION BY DARRYL E. COLEMAN TO PROCEED IN FORMA PAUPERIS . (lb) (Entered: 05/02/2001)
05/11/2001	814	PRO SE MOTION BY DARRYL E. COLEMAN FOR LEAVE TO FILE AMENDED 28 U.S.C. 2255 MOTION , CERT. OF SERVICE. (lb) (Entered: 05/11/2001)
05/15/2001	816	ORDER DATED 5/15/01 AS TO DARRYL E. COLEMAN DENYING [814-1] DEFENDANT'S PRO SE MOTION FOR LEAVE TO FILE AMENDED 28 U.S.C. 2255 MOTION. (SIGNED BY JUDGE HARVEY BARTLE III), 5/15/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 05/15/2001)
05/17/2001	818	ORDER DATED 5/17/01 AS TO DARRYL E. COLEMAN THAT THE UNITED STATES SHALL FILE AND SERVE ON OR BEFORE 6/18/01 ANY RESPONSE TO THE MOTION OF DEFENDANT'S 28 U.S.C. 2255. (SIGNED BY JUDGE HARVEY BARTLE III), 5/18/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 05/18/2001)
05/25/2001	819	PRO SE MOTION BY DARRYL E. COLEMAN FOR RECONSIDERATION OF [816-1] ORDER DENYING LEAVE TO AMEND 28 U.S.C. 2255 DATED 5/15/01 , CERT. OF SERVICE. (lb) (Entered: 05/25/2001)
06/07/2001	820	AMENDED PRO SE MOTION BY DARRYL E. COLEMAN TO VACATE, SET ASIDE OR CORRECT SENTENCE PURSUANT TO 28 USC 2255. CERT. OF SERVICE. (lb) (Entered: 06/07/2001)
06/22/2001	828	MOTION BY USA AS TO DARRYL E. COLEMAN FOR AN EXTENSION OF TIME TO ANSWER DEFENDANT'S 2255 PETITION . CERT. OF SERVICE. (lb) (Entered: 06/22/2001)
06/25/2001	829	ORDER DATED 6/25/01 AS TO DARRYL E. COLEMAN GRANTING [828-1] MOTION FOR AN EXTENSION OF TIME TO ANSWER DEFENDANT'S 2255 PETITION. THE GOVERNMENT SHALL FILE IT'S ANSWER TO THE DEFENDANT'S 2255 PETITION ON OR BEFORE 6/28/01. (SIGNED BY JUDGE HARVEY BARTLE III) 6/25/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 06/25/2001)

06/29/2001	830	Response by USA as to DARRYL E. COLEMAN re: [820-1] MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE PURSUANT TO 28 USC 2255, Certificate of Service. (Appendix of exhibits attached) (ar) Modified on 06/29/2001 (Entered: 06/29/2001)
07/09/2001	833	MOTION BY DARRYL E. COLEMAN TO STAY ADJUDICATION OF PETITIONER'S 2255 MOTION IN ORDER TO ESTABLISH THE FACTS AND EXPANSION OF THE RECORD, DUE TO THE GOVERNMENT'S DENIAL OF ALLEGED FACTS OF PETITIONER'S CLAIMS , CERTIFICATE OF SERVICE. (ar) (Entered: 07/09/2001)
07/13/2001	836	Pro se Reply by DARRYL E. COLEMAN to response to DEFENDANT'S MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE, RE: 28:2255. Cert. of Service. (lb) (Entered: 07/13/2001)
07/26/2001	842	MEMORANDUM AND ORDER DATED 7/26/01 AS TO DARRYL E. COLEMAN DENYING [833-1] MOTION TO STAY ADJUDICATION OF PETITIONER'S 2255 MOTION IN ORDER TO ESTABLISH THE FACTS AND EXPANSION OF THE RECORD, DUE TO THE GOVERNMENT'S DENIAL OF ALLEGED FACTS OF PETITIONER'S CLAIMS AND DENYING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE PURSUANT TO 28 USC 2255 AND NO CERTIFICATE OF APPEALABILITY IS ISSUED. (SIGNED BY JUDGE HARVEY BARTLE III), 7/27/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 07/27/2001)
08/02/2001	844	MOTION by DARRYL E. COLEMAN (PRO-SE) FOR ORDER FOR A RULING ON THE COLLATERAL PLEADINGS PRIOR TO THE COURT'S RULING ON THE MERITS OF PETITIONER'S 2255 MOTION , CERTIFICATE OF SERVICE. (rs) (Entered: 08/02/2001)
08/02/2001	845	Supplemental Affirmation in Support of Petitioner's 28:2255 as to DARRYL EARL COLEMAN. (rs) (Entered: 08/02/2001)
08/02/2001	846	MOTION by DARRYL E. COLEMAN FOR ORDER TO EXPAND THE RECORD WITH EXHIBITS OF RELEVANT AND MATERIAL DOCUMENTS, AFFIDAVITS AND TESTIMONEY IN SUPPORT THEREOF , IN ADDITION FOR AN EVIDENTIARY HEARING AS TO THE CREDIBILITY OF SUCH EVIDENCE, CERTIFICATE OF SERVICE. (rs) (Entered: 08/02/2001)
08/02/2001	847	MOTION by DARRYL E. COLEMAN FOR APPOINTMENT OF COUNSEL DUE TO THE COMPLEXITY MATURED BY THE GOVT'S RESPONSE TO THE 2255 , CERTIFICATE OF SERVICE. (rs) (Entered: 08/02/2001)
08/02/2001	848	MOTION by DARRYL E. COLEMAN (PRO-SE) TO DEFER RULING ON THE 2255 IN ORDER THAT PETITIONER MAY ESTABLISH THE FACTUAL RECORD IN SUPPORT OF HIS CLAIMS DUE TO THE GOVT'S FAILURE TO ADMIT TO THE FACTS ALLEGED , CERTIFICATE OF SERVICE. (rs) (Entered: 08/02/2001)
08/06/2001	851	ORDER DATED 8/6/01 AS TO DARRYL E. COLEMAN DENYING [848-

		1] DEFENDANT'S MOTION TO DEFER RULING ON THE 2255 IN ORDER THAT PETITIONER MAY ESTABLISH THE FACTUAL RECORD IN SUPPORT OF HIS CLAIMS DUE TO THE GOVT'S FAILURE TO ADMIT TO THE FACTS ALLEGED, DENYING [847-1] DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL DUE TO THE COMPLEXITY MATURED BY THE GOVT'S RESPONSE TO THE 2255, DENYING [846-1] DEFENDANT'S MOTION FOR ORDER TO EXPAND THE RECORD WITH EXHIBITS OF RELEVANT AND MATERIAL DOCUMENTS, AFFIDAVITS AND TESTIMONEY IN SUPPORT THEREOF AND DENYING [844-1] DEFENDANT'S MOTION FOR ORDER FOR A RULING ON THE COLLATERAL PLEADINGS PRIOR TO THE COURT'S RULING ON THE MERITS OF PETITIONER'S 2255 MOTION. (SIGNED BY JUDGE HARVEY BARTLE III), 8/7/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 08/07/2001)
08/08/2001	853	PRO SE MOTION BY DARRYL E. COLEMAN FOR RECONSIDERATION OF [842-1] MEMORANDUM AND ORDER DATED 7/27/01 , CERT. OF SERVICE. (lb) (Entered: 08/08/2001)
08/09/2001	854	PRO SE MOTION BY DARRYL E. COLEMAN FOR LEAVE TO FILE AN INTERLOCUTORY APPEAL DUE TO THE COURT'S ADVERSE RULING ON A PROCEDURE ESSENTIAL TO THE ADJUDICATION OF THE MERITS OF PETITIONER'S 28 U.S.C. 2255 MOTION , CERT. OF SERVICE. (lb) Modified on 08/10/2001 (Entered: 08/10/2001)
08/09/2001	855	PRO SE MOTION BY DARRYL E. COLEMAN FOR STAY PROCEEDINGS SO THAT PETITIONER MAY PROPERLY IN PART APPEAL THE DENIAL AND SUBSEQUENT APPEAL OF THE ORDER ENTERED 7/27/01 FED. R. CIV. P. RULE 62(a) , CERT. OF SERVICE. (lb) (Entered: 08/10/2001)
08/09/2001	856	Pro se Notice of Appeal by DARRYL E. COLEMAN (1) count(s) 1s, 2s, 5s-6s, 7s-8s, 9s-11s, 24s copies to JUDGE HARVEY BARTLE III , Clerk USCA, Appeals Clerk, DARRYL E. COLEMAN, FRANK A. LABOR III and PROBATION. Cert. of Service. (lb) (Entered: 08/10/2001)
08/09/2001	857	Copy of Clerk's notice to USCA as to DARRYL E. COLEMAN, Re: [856-1] appeal. (lb) (Entered: 08/10/2001)
08/14/2001		Notice of Docketing ROA from USCA as to DARRYL E. COLEMAN, Re: [856-1] appeal USCA Number: 01-3192. (lb) (Entered: 08/14/2001)
08/15/2001		Certified and transmitted record on appeal to U.S. Court of Appeals as to DARRYL E. COLEMAN.(Pleadings # 1, 2, 4, 25, 96, 97, 101, 105, 111, 122-134, 146, 158, 164, 206, 221, 222, 239, 257, 260, 275, 296, 324, 325, 329, 331, 335, 338-343, 346, 349, 350, 352-356, 360, 362, 367, 369, 370, 372, 404-413, 437, 443, 458, 473, 475, 480, 481, 490, 491, 502, 504, 506-509, 511-513, 523, 528, 729, 844-848, 853-855, not included). (ke) (Entered: 08/15/2001)
08/16/2001	859	PRO SE MOTION BY DARRYL E. COLEMAN TO AMEND PENDING MOTIONS WITH THIS COURT'S AUGUST 6, 2001 ORDER , CERT. OF SERVICE. (lb) (Entered: 08/16/2001)

08/20/2001	860	Certified Copy of Order Returned from the USCA as to DARRYL E. COLEMAN that a timely post-decision motion of a tye specified by Fed. R. App. P. is pending in the district court, it is ordered that the appeal is stayed pending disposition of motion, etc., with conditions. (lb) (Entered: 08/20/2001)
08/27/2001	862	ORDER DATED 8/27/01 DENYING [853-1] MOTION FOR RECONSIDERATION OF [842-1] MEMORANDUM AND ORDER DATED 7/27/01 AS TO DARRYL E. COLEMAN (1). (SIGNED BY JUDGE HARVEY BARTLE III), 8/27/01 ENTERED AND COPIES MAILED AND FAXED. (jh) (Entered: 08/27/2001)
08/27/2001	864	ORDER OF 8/27/01 AS TO DARRYL E. COLEMAN DENYING [854-1] MOTION FOR LEAVE TO FILE AN INTERLOCUTORY APPEAL DUE TO THE COURT'S ADVERSE RULING ON A PROCEDURE ESSENTIAL TO THE ADJUDICATION OF THE MERITS OF PETITIONER'S 28 U.S.C. 2255 MOTION. (SIGNED BY JUDGE HARVEY BARTLE III) 8/27/01 ENTERED AND COPIES MAILED. (cmc) (Entered: 08/27/2001)
08/27/2001	865	ORDER OF 8/27/01 AS TO DARRYL E. COLEMAN DENYING [859-1] MOTION TO AMEND PENDING MOTIONS WITH THIS COURT'S AUGUST 6, 2001. (SIGNED BY JUDGE HARVEY BARTLE III) 8/27/01 ENTERED AND COPIES MAILED. (cmc) (Entered: 08/27/2001)
08/27/2001	867	MOTION BY DARRYL E. COLEMAN TO STAY PROCEEDINGS SO THAT PETITIONER MAY PROPERLY IN PART APPEAL THE DENIAL AND SUBSEQUENT APPEAL OF THE ORDER ENTERED JULY 27, 2001 FED. R.CIV.P. RULE 62(a) , CERTIFICATE OF SERVICE. (ar) (Entered: 08/28/2001)
08/29/2001	868	ORDER DATED 8/29/01 AS TO DARRYL E. COLEMAN DENYING [867-1] DEFENDANT'S PRO SE MOTION TO STAY PROCEEDINGS SO THAT PETITIONER MAY PROPERLY IN PART APPEAL THE DENIAL AND SUBSEQUENT APPEAL OF THE ORDER ENTERED JULY 27, 2001 FED. R.CIV.P. RULE 62(a). (SIGNED BY HARVEY BARTLE III), 8/30/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 08/30/2001)
09/06/2001	871	Amended Pro se Notice of Appeal by DARRYL E. COLEMAN, Count(s) 1s, 2s, 5s-6s, 7s-8s, 9s-11s, 24s copies to JUDGE HARVEY BARTLE III, Clerk USCA, Appeals Clerk, DARRYL E. COLEMAN, FRANK A. LABOR III and PROBATION. Cert. of Service. (lb) (Entered: 09/07/2001)
09/06/2001	872	Copy of Clerk's notice to USCA as to DARRYL E. COLEMAN, Re: [871-1] appeal. (lb) (Entered: 09/07/2001)
09/10/2001		First Transmitted Supplemental Record on Appeal: as to DARRYL E. COLEMAN. (Pleadings # 853, 860, 862, 864, 865, 867, 868, 871, 872, included). (ke) (Entered: 09/10/2001)
10/09/2001	881	PRO SE MOTION BY DARRYL E. COLEMAN FOR LEAVE TO SUBMIT COUNTER-CLAIMS MATURING OR ACQUIRED AFTER PLEADING PURSUANT TO FED.R.CIV.P., 13(e) AND (f) (ar) (Entered: 10/09/2001)

10/16/2001	882	MOTION AND ORDER DATED 10/16/01 AS TO DARRYL E. COLEMAN TO RELIEVED OF THE OPERATION OF THIS COURT'S MEMORANDUM AND ORDER OF 7/27/01 DUE TO MODIFIED INTERPRETATIONS OF PRINCIPLES OF LAW AND FOR AN EVIDENTIARY HEARING TO ESTABLISH THIS CAUSE OF ACTION IS DENIED. (SIGNED BY JUDGE HARVEY BARTLE III), 10/16/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 10/16/2001)
10/16/2001	883	ORDER DATED 10/16/01 AS TO DARRYL E. COLEMAN DENYING MOTION TO COUNTER-CLAIM THE GOVERNMENT'S RESPONSE, MATURING OR ACQUIRED AFTER PLEADING DUE TO OVERSIGHT, INADVERTENCE, OR EXCUSABLE NEGLECT OR WHEN JUSTICE REQUIRES. (SIGNED BY JUDGE HARVEY BARTLE III), 10/16/01 ENTERED AND COPIES MAILED AND FAXED. (lb) Modified on 10/17/2001 (Entered: 10/16/2001)
10/16/2001	884	ORDER OF 10/16/01 AS TO DARRYL E. COLEMAN THAT THE MOTION OF DARRYL COLEMEN "FOR LEAVE TO SUBMIT COUNTER-CLAIMS MATURING OR ACQUIRED AFTER PLEADING PURSUANT TO FRCP 13(e) AND (f)" (DOCKET #881) IS DENIED. (SIGNED BY JUDGE HARVEY BARTLE III), 10/16/01 ENTERED AND COPIES FAXED. (dt) (Entered: 10/16/2001)
10/16/2001	885	PRO SE MOTION BY DARRYL E. COLEMAN TO BE RELIEVED OF THE OPERATION OF THIS COURT'S MEMORANDUM AND ORDER OF 7/27/01 DUE TO MODIFIED INTERPRETATIONS OF PRINCIPLES OF LAW. IN ADDITION, PETITIONER MOVES FOR AN EVIDENTIARY HEARING TO ESTABLISH THIS CAUSE OF ACTION. (lb) (Entered: 10/17/2001)
10/16/2001	886	PRO SE MOTION BY DARRYL E. COLEMAN TO COUNTER-CLAIM THE GOVERNMENT'S RESPONSE MATURING OR ACQUIRED AFTER PLEADING DUE TO OVERSIGHT, INADVERTENCE, OR EXCUSABLE NEGLECT OR WHEN JUSTICE REQUIRES. (lb) (Entered: 10/17/2001)
10/29/2001	889	PRO SE MOTION BY DARRYL E. COLEMAN TO MAKE ADDITIONAL FINDINGS OF THE OCTOBER 16, 2001 ORDERS OF WHICH AN UNDISPUTED CHANGE OF LAWS, RELATED TO A CONSTITUTIONAL VIOLATION BY WHICH THIS COURT IS AUTHORIZED TO MODIFY A FINAL ORDER UNDER RULE 60(b) OF THE FEDERAL RULES OF CIVIL PROCEDURE, OTHERWISE, TO AVOID EFFECTIVELY DENYING PETITIONER MEANINGFUL ACCESS TO THE COURT , CERT. OF SERVICE. (lb) (Entered: 10/29/2001)
10/29/2001	890	PRO SE MOTION BY DARRYL E. COLEMAN TO STAY THIS COURT'S ORDER OF OCTOBER 16, 2001 PENDING RESOLUTION OF THE ATTACHED FEDERAL RULES OF CIVIL PROCEDURE, RULE 52(b) AND 59(e) MOTION PURSUANT TO RULE 62(b) , CERT. OF SERVICE. (lb) (Entered: 10/29/2001)

10/31/2001	892	ORDER DATED 10/31/01 AS TO DARRYL E. COLEMAN DENYING [890-1] DEFENDANT'S MOTION TO STAY THIS COURT'S ORDER OF OCTOBER 16, 2001 PENDING RESOLUTION THE ATTACHED FEDERAL RULES OF CIVIL PROCEDURE, RULE 52(b) AND 59(e) MOTION PURSUANT TO RULE 62(b) AND DENYING [889-1] DEFENDANT'S MOTION TO MAKE ADDITIONAL FINDINGS OF THE OCTOBER 16, 2001 ORDERS OF WHICH AN UNDISPUTED CHANGE OF LAWS, RELATED TO A CONSTITUTIONAL VIOLATION BY WHICH THIS COURT IS AUTHORIZED TO MODIFY A FINAL ORDER UNDER RULE 60(b) OF THE FEDERAL RULES OF CIVIL PROCEDURE, OTHERWISE, TO AVOID EFFECTIVELY DENYING PETITIONER MEANINGFUL ACCESS TO THE COURT. (SIGNED BY JUDGE HARVEY BARTLE III), 11/1/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 11/01/2001)
11/14/2001	894	PRO SE MOTION BY DARRYL E. COLEMAN FOR STAY PENDING APPELLATE REVIEW UNDER RULE 62(d) OF THE FEDERAL RULES OF CIVIL PROCEDURE. (lb) (Entered: 11/15/2001)
11/14/2001	895	Pro se Notice of Appeal by DARRYL E. COLEMAN (1) count(s) 1s, 2s, 5s-6s, 7s-8s, 9s-11s, 24s copies to JUDGE HARVEY BARTLE III , Clerk USCA, Appeals Clerk, and DARRYL E. COLEMAN, FRANK A. LABOR III and PROBATION. Cert. of Service. (lb) (Entered: 11/15/2001)
11/14/2001	896	Copy of Clerk's notice to USCA as to DARRYL E. COLEMAN, Re: [895-1] appeal. (lb) (Entered: 11/15/2001)
11/20/2001		Notice of Docketing ROA from USCA as to DARRYL E. COLEMAN, Re: [895-1] appeal USCA Number: 01-4167. (lb) (Entered: 11/20/2001)
11/21/2001		Second Transmitted Supplemental Record on Appeal as to DARRYL E. COLEMAN. (Pleadings # 881-886, 889, 890, 892, 894-896, included). (ke) (Entered: 11/21/2001)
11/26/2001	899	ORDER DATED 11/26/01 AS TO DARRYL E. COLEMAN DENYING AS MOOT [894-1] DEFENDANT'S MOTION FOR STAY PENDING APPELLATE REVIEW UNDER RULE 62(d) OF THE FEDERAL RULES OF CIVIL PROCEDURE. (SIGNED BY JUDGE HARVEY BARTLE III), 11/26/01 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 11/26/2001)
12/14/2001	900	Pro se Amended Notice of Appeal by DARRYL E. COLEMAN (1) count(s) 1s, 2s, 5s-6s, 7s-8s, 9s-11s, 24s copies to JUDGE HARVEY BARTLE III, Clerk USCA, Appeals Clerk, DARRYL E. COLEMAN, FRANK A. LABOR III and PROBATION. (lb) (Entered: 12/17/2001)
12/14/2001	901	Copy of Clerk's notice to USCA as to DARRYL E. COLEMAN, Re: [900-1] appeal. (lb) (Entered: 12/17/2001)
12/20/2001	902	Response by PLAINTIFF USA to deft Darryl E. Coleman's application for a certificate of appealability, Certificate of Service. (td) (Entered: 12/21/2001)
12/20/2001		Notice of Docketing ROA from USCA as to DARRYL E. COLEMAN Re:

		[900-1] appeal USCA Number: 01-4447 (td) (Entered: 12/21/2001)
12/21/2001		Third Transmitted Supplemental Record on Appeal: as to DARRYL E. COLEMAN.(Pleading # 899, included). (ke) (Entered: 12/21/2001)
12/26/2001	903	ORDER THAT THE APPLICATION FOR A CERTIFICATE OF APPEALABILITY IS DENIED AS TO DARRYL E. COLEMAN (SIGNED BY JUDGE HARVEY BARTLE III), 12/27/01 ENTERED AND COPIES MAILED AND FAXED. (rs) (Entered: 12/27/2001)
01/15/2002	906	Defendant's Pro se Response by DARRYL E. COLEMAN to the Government's response to the Petitioner's Application to Certify the Issuance of a Certificate of Appealability. In addition, to Counter-claim the Constitutionality of the Scheme "Certificate of Appealability" Matured by the Government's response. Cert. of Service. opposition to . (lb) (Entered: 01/16/2002)
01/24/2002	907	ORDER DATED 1/24/02 AS TO DARRYL E. COLEMAN THAT THE DEFENDANT'S APPLICATION FOR A CERTIFICATE OF APPEALABILITY IS DENIED. (SIGNED BY JUDGE HARVEY BARTLE III), 1/25/02 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 01/25/2002)
02/08/2002	908	Pro se Notice of Amended Notice of Appeal by DARRYL E. COLEMAN, Memorandum, Cert. of Service. (lb) (Entered: 02/11/2002)
03/08/2002	909	PRO SE MOTION BY DARRYL E. COLEMAN FOR LEAVE TO AMEND/SUPPLEMENTAL PETITIONER'S PENDING 28 U.S.C. 2255 MOTION IN ACCORDANCE TO 28 U.S.C. 2255 - 5(4) . (lb) (Entered: 03/11/2002)
03/08/2002	910	PRO SE MOTION BY DARRYL E. COLEMAN TO AMEND/SUPPLEMENTAL PETITIONER'S 28 U.S.C. 2255 MOTION BY AMPLIFYING PETITIONER'S INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM PURSUANT TO FED.R.CIV.P. , CERT. OF SERVICE. (lb) (Entered: 03/11/2002)
03/19/2002	911	ORDER DATED 3/19/02 AS TO DARRYL E. COLEMAN DENYING [910-1] DEFENDANT'S MOTION TO AMEND/SUPPLEMENTAL PETITIONER'S 28 U.S.C. 2255 AND DENYING DEFENDANT'S [909-1] MOTION BY AMPLIFYING PETITIONER'S INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM PURSUANT TO FED.R.CIV.P. (SIGNED BY JUDGE HARVEY BARTLE III), 3/20/02 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 03/20/2002)
04/08/2002	913	PRO SE MOTION BY DARRYL E. COLEMAN TO MAKE ADDITIONAL FINDINGS OF FACT PURSUANT TO RULE 52(b), FED.R.CIV.P., RELATING TO RULE 60(b)(1), (5) OR (6), FED.R.CIV.P. RESPECTIVELY TO RECEIVE PETITIONER'S RULE 15 MOTION FOR LEAVE AND TO AMEND PETITIONER'S 28 U.S.C. 2255 PENDING MOTION , CERT. OF SERVICE. (lb) (Entered: 04/09/2002)
04/11/2002	914	ORDER DATED 4/11/02 AS TO DARRYL E. COLEMAN DENYING [913-

		1] DEFENDANT'S MOTION TO MAKE ADDITIONAL FINDINGS OF FACT PURSUANT TO RULE 52(b), FED.R.CIV.P., RELATING TO RULE 60(b)(1), (5) OR (6), FED.R.CIV.P. RESPECTIVELY TO RECEIVE PETITIONER'S RULE 15 MOTION FOR LEAVE AND TO AMEND PETITIONER'S 28 U.S.C. 2255 PENDING MOTION. (SIGNED BY HARVEY BARTLE III), 4/12/02 ENTERED AND COPIES MAILED AND FAXED. (lb) (Entered: 04/12/2002)
05/02/2002	915	Pro se Letter by DARRYL E. COLEMAN, Re: Change of Address to USP Pollock. (lb) (Entered: 05/03/2002)
06/07/2002	919	Amended Notice of Appeal by DARRYL E. COLEMAN (1) count(s) 1s, 2s, 5s-6s, 7s-8s, 9s-11s, 24s copies to JUDGE HARVEY BARTLE III, Clerk USCA, Appeals Clerk, DARRYL E. COLEMAN, FRANK A. LABOR III and PROBATION. (lb) (Entered: 06/10/2002)
06/07/2002	920	Copy of Clerk's notice to USCA as to DARRYL E. COLEMAN, Re: [919-1] appeal. (lb) (Entered: 06/10/2002)
06/13/2002		Fourth Transmitted Supplemental Record on Appeal: as to DARRYL E. COLEMAN.(Pleadings # 902, 903, 906, 907, 913-915, 919, 920, included). (ke) (Entered: 06/13/2002)
06/13/2002		Notice of Docketing ROA from USCA as to DARRYL E. COLEMAN Re: [919-1] appeal USCA Number: 02-2629 (ar) (Entered: 06/13/2002)
08/20/2002	921	Certified Copy of Order Returned as to DARRYL E. COLEMAN from the USCA that the Appellant's request for a certificate of appealability is denied, etc., with conditions. (lb) (Entered: 08/21/2002)
06/03/2003	934	Certified Copy of Order from USCA 02-2629 That Request for Certificate of Appealability by is DENIED, Etc. (Appeal record returned) (cmc) (Entered: 06/04/2003)

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CERTIFICATE OF SERVICE BY UNITED STATES MAIL

I, Darryl Coleman, hereby certify that I have served a true and correct copy of the attached Motion pursuant to 28 U.S.C. 2255 or alternatively Writ Of Habeas Corpus pursuant to 28 U.S.C. 2241 (c)(3) or alternatively the All Writs Act pursuant to 28 U.S.C. 1651 (a)., by placing the same into a sealed envelope with First-class postage fully pre-paid, and submitting the legal envelope to prison officials at FCI Victorville Complex - Medium II, Mailroom Staff, in accordance with the Federal Bureau of Prisons "Special Mail" procedures, and pursuant to the provisions of **Houston v. Lack**, 487 U.S. 266, 108 S. Ct. 2379, 101 L.Ed.2d 245 (1988), for delivery to the local Post Office, addressed to: The Clerk of Court
U.S. District Court Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

I declare under the penalty of perjury that the foregoing statements are true and correct pursuant to the laws of the United States of America.

EXECUTED and DATED this 8th day of May, 2014.

Respectfully submitted,

Darryl E. Coleman
Declarant